

ZONING CHANGE REVIEW SHEET

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CASE: C14-2010-0048
(North Lamar Neighborhood
Planning Area Rezonings)

P.C. DATE: May 11, 2010

AREA: Approximately 627.43 acres

ADDRESS OF PROPOSED ZONING CHANGE: The boundaries of North Lamar Combined
Neighborhood Planning Area are:

North – Braker Lane
East – Interstate Highway-35
South – Rundberg Lane
West – North Lamar Boulevard

APPLICANT: City of Austin (City initiated)

AGENT: Planning and Development Review Department
(Mark Walters/ Jacob Browning/ Greg Dutton/ Sherri Sirwaitis)

SUMMARY STAFF RECOMMENDATION:

The staff recommends that a Neighborhood Plan Combining District (NPCD) be created covering the entire plan area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: "Parking Placement and Impervious Cover Restrictions," "Garage Placement" and "Front Porch Setback". The following infill options will be applied to Tracts 27, 28 and 32 only: "Residential Infill" and "Urban Home" (Please see Attachment J).

In addition, the staff recommends base district zoning changes for the 36 tracts shown on the attached North Lamar Neighborhood Planning Area map (Please see Attachment G). The Rezoning Tract Chart lists the property address, current zoning, and proposed zoning (Please see Attachment H). A description of the existing and proposed conditional overlays follows the tract chart (Please see Attachment I).

DEPARTMENT COMMENTS:

The North Lamar Combined Neighborhood Plan was initiated by Council resolution (#20061214-014) in December 2006. The first planning workshop was held on November 15, 2007. Since that workshop, Planning and Development Review Department (PDRD) staff worked with community members to conduct approximately 28 public meetings. These meetings addressed planning issue areas such as: quality of life (including crime and code enforcement issues), parks and trees, transportation, infrastructure, and land use and zoning along major corridors in the planning area. Notes from all meetings were posted on the North Lamar Combined Neighborhood Planning Area's (NLCNPA) website, and the information gathered from these meetings became the foundation for the recommendations in the NLCNPA plan. Throughout the land use and zoning workshops, PDRD staff worked with stakeholders to formulate the zoning recommendations for specific sites in the NLCNPA. At the March 6, 2010, Final Open House, staff presented the final draft of the neighborhood plan, a draft Future Land Use Map (FLUM), and the zoning recommendations that had been formulated as part of the two and one-half year planning process in the NLCNPA.

There is one tract within the neighborhood plan that has had a contentious past which has required special consideration. The property designated as Tract 32, addressed as 320 E Rundberg Lane, consists of approximately 24-acres of undeveloped land and is currently zoned MF-2, MF-3, and SF-3 (Please see information concerning Tract 32 as Attachment L). During the planning process to develop land use and zoning recommendations this site was discussed at length at several meetings. Although the tract was predominately zoned for multi-family, community stakeholders believed their neighborhoods had an abundance of rental and multi-family properties. According to the 2000 census, of all the residential units in the combined planning area, 80% were rental and 60% were apartments. To encourage increased homeownership in attempt to stabilize the area, the recommendation was to designate the site as High-Density Single-Family and a rezoning to SF-6-NP.

Toward the end of the planning process, members of the community were contacted by an agent of a multi-family development company who were seeking tax credit financing to develop very low income rental housing on the tract. On November 2, 2009, at one of the final meetings in the planning process, the owner of the tract, Kurt Barton, principal of Triton Financial, et. al., was in attendance along with representatives from the multi-family development company. At the meeting, Mr. Barton and the representatives from the development company expressed their strong opposition to the recommendations; although they said they were willing to continue the conversation with the neighborhood to identify any areas of consensus. At a subsequent meeting between Mr. Barton and a neighborhood representative, Mr. Barton reiterated opposition to the proposed change and restated his intent to fight the zoning change.

On December 22, 2009, the Securities and Exchange Commission filed suit in the United States District Court for the Western District of Texas, Austin Division, against Mr. Barton and his companies and seized their assets and assigned a receiver to recoup losses incurred by Mr. Barton's investors due to his illegal business dealings. In early 2010 the prospective deal with the multi-family developer collapsed. In order to increase the value of the seized assets, the attorney for the receivership, Robert Kleeman, contacted Neighborhood Planning staff to discuss possible alternatives for the site based on a previous zoning case that was recommended by zoning staff and which advanced to first reading before the Austin City Council before it was allowed to expire. The case involved dividing the property into two parts with the eastern section to be zoned CS-CO and the western portion zoned W/LO. Mr. Kleeman arranged with neighborhood planning staff to hold a meeting to discuss the proposal with interested parties from the planning area. On April 6th, Mr. Kleeman met with eight members of the community with two staff in attendance as resources. He agreed to keep the conditions of the previous zoning case and to increase the number to address community concerns. In return he requested that the amount of CS-Co zoned area increase from 8.77 acres to 11.70 acres, the W/LO decrease from 12.93 acres to 10.02 acres, and the SF-3 to remain unchanged. Lyn Galbraith, representing Northcreek/Georgian Acres Neighborhood Association, stated that the Association's position was neutral on the proposal. *See attachment XXX for the specifics of the proposal.* There was no clear consensus on the proposal from the people in attendance and Neighborhood Planning staff forwarded the proposal to the North Lamar Combined Neighborhood Planning Area email interest list. Of the five respondents, four were against the proposal and supported the original SF-6 recommendation and one discussed desired amenities of a possible multi-family project.

Planning and Develop Review staff reviewed the new proposal and agreed to it with the following additional conditions and prohibited uses:

- Equipment Repair Services
- Equipment Sales

- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Service Station
- A continuous 50' undisturbed natural vegetative buffer along the western property line adjacent to the single family fronting onto Oriole.

Please note that this case is scheduled for the May 27, 2010 City Council Meeting for all three readings of the Neighborhood Plan Rezoning, concurrently with the hearing of the proposed Neighborhood Plan.

LIST OF ATTACHMENTS:

- A. Overview of the North Lamar Combined Neighborhood Plan
- B. GIS Staff Zoning Map For North Lamar Neighborhood Planning Area
- C. Current Zoning Map
- D. Aerial Map of Plan Area
- E. Current Land Use Map
- F. Future Land Use Map
- G. Map of Recommended Zoning Changes
- H. Rezoning Tract Chart
- I. Existing and Proposed Conditional Overlays
- J. Description of Infill Options and Design Tool Recommendations
- K. Responses and Comments From Property Owners
- L. Information Concerning Tract 32

PLANNING COMMISSION RECOMMENDATION:

5/13/10:

AREA STUDY: North Lamar Combined Neighborhood Planning Area
North Lamar Area Study (May 31, 1985)

TIA: Not required

WATERSHEDS: Little Walnut Creek
Walnut Creek
Buttermilk Branch

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

SCHOOLS:

Walnut Creek Elementary School
Barrington Elementary School
Dobie Middle School
Webb Middle School
Lanier High School

NEIGHBORHOOD ORGANIZATIONS:

Georgian Manor Neighborhood Association
 St. John Neighborhood Association
 Home Builders Association of Greater Austin
 Austin Independent School District
 Austin Neighborhoods Council
 Northeast Walnut Creek Neighborhood Association
 Homeless Neighborhood Association
 Greater Northcross Area
 North Growth Corridor Alliance
 Walnut Creek Neighborhood Association, Inc.
 NACA Neighborhood Plan Contact Team
 Austin Parks Foundation
 Northcreek & Georgian Acres Neighborhood Association
 Heritage Hills/Windsor Hills Combined COA Liaison
 Pflugerville Independent School District
 Highland Neighborhood Association
 Brentwood/Highland Combined Neigh -COA Liaison
 Responsible Growth for Northcross (RG4N)
 League of Bicycling Voters
 St. Johns Advisory Board
 North Austin Neighborhood Alliance
 Austin Monorail Project
 Mockingbird Hill Neighborhood Association
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 The Real Estate Council of Austin, Inc.
 North Austin Civic Association
 Highland/Skyview Neighborhood Plan Contact Team

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RELATED CASES:

NP-2010-0026 – North Lamar Combined Neighborhood Planning Area
 C14-2010-0049 – Georgian Acres Combined Neighborhood Plan Area Rezoning

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Braker Lane	115'	Varies	Arterial	Yes (many sections)	Yes	Yes
Rundberg lane	100'	Varies	Arterial	Yes (many sections)	No	Yes
North Lamar Blvd	115'	Varies	Arterial	Yes (many sections)	No	Yes
IH 35	300'	Varies	Freeway	Yes (many sections)	No	No

CITY COUNCIL DATE: May 27, 2010**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBERS:**

ZONING CASE MANAGER: Sherri Sirwaitis

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NEIGHBORHOOD PLANNER: Mark Walters

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NEIGHBORHOOD PLANNER: Greg Dutton

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STAFF RECOMMENDATION

The staff recommends that a Neighborhood Plan Combining District (NPCD) be created covering the entire plan area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: "Parking Placement and Impervious Cover Restrictions," "Garage Placement" and "Front Porch Setback". The following infill options will be applied to Tracts 27, 28 and 32 only: "Residential Infill" and "Urban Home" (Please see Attachment J).

In addition, the staff recommends base district zoning changes for the 36 tracts shown on the attached North Lamar Neighborhood Planning Area map (Please see Attachment G). The Rezoning Tract Chart lists the property address, current zoning, and proposed zoning (Please see Attachment H). A description of the existing and proposed conditional overlays follows the tract chart (Please see Attachment I).

BACKGROUND

The Austin City Council passed a resolution on December 14, 2006, which initiated the North Lamar Combined Neighborhood planning process. Following a kickoff meeting on November 15, 2007, staff and residents, property owners, business owners, and representatives of area institutions have been attending meetings and developing the plan for the past twenty eight months.

The plan's goals, objectives, and action items were developed at numerous North Lamar Combined Neighborhood Planning meetings. The Neighborhood Plan will be considered concurrently with the subject rezoning cases.

The proposed zoning change creates a Neighborhood Plan Combining District (NP) covering the entire area. The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan. The NP modifies the base district of an individual parcel within the North Lamar Combined Neighborhood Planning Area to allow for the following design tools – "Parking Placement and Impervious Cover Restrictions," "Garage Placement," and "Front Porch Setback." The NP will also allow the following infill options to be applied to Tracts 27, 28 and 32 only: "Residential Infill" and "Urban Home".

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The staff's basis for recommendation is derived from the goals and objectives for land use as described in the North Lamar Combined Neighborhood Plan:

Land Use Goal: Create a well-balanced land use pattern that benefits everybody in the North Lamar Combined Neighborhood Planning Area by assigning appropriate land uses to particular properties.

Objective L.1: *Preserve the residential character of the neighborhoods in the NLCNPA.*

Recommendation 119 Non-residential uses should not encroach into the established neighborhoods of the NLCNPA.

Recommendation 120 In order to preserve the large-lot rural character of the northeastern corner of the Georgian Acres NPA, zoning requests for intense residential development should be denied.

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/X***Objective L.2: Maintain a balanced residential character throughout the NLCNPA.***

Recommendation 121 Limit the construction of new, large multi-family residential complexes throughout the NLCNPA.

Recommendation 122 New, more intense residential development should contain a mixed use element and be located along major roadways.

Objective L.3: Establish North Lamar Boulevard as a mixed use, pedestrian-friendly corridor.

Recommendation 125 Incorporate small-scale, neighborhood-serving commercial or retail establishments into new mixed use developments.

Recommendation 127 All new development (mixed use, commercial, or multi-family) must be pedestrian-friendly and oriented towards the street with parking located to the rear of the building(s).

Recommendation 129 New mixed use developments must be compatible to adjacent properties and uses.

Objective L.5: Increase the housing options and homeownership opportunities within the NLCNPA.

Recommendation 131 Allow the Urban Home Special Use on Tracts 1 - 3.

Recommendation 132 Allow the Residential Infill Special Use on Tracts 1 - 3.

Objective L.6: Provide a retail and/or mixed use component on Tracts 1 - 3.

Recommendation 134 Rezone the portions of Tracts 2 and 3 that front Rundberg Lane to promote neighborhood-serving commercial and mixed use developments.

Objective L.7: Establish Ferguson Drive as a neighborhood mixed use district.

Recommendation 136 Limit the types and intensities of the uses allowed along Ferguson Drive.

Objective L.8: Preserve the largely commercial environment along the I-35 Corridor.

Recommendation 138 Place restrictions on the development of new hotels/motels along I-35.

EXISTING CONDITIONS**Zoning and Land Use****Existing Land Use for the Combined Neighborhood Plan area:**

	Total Number of Parcels	Percent Total of Parcels	Acreage
Single Family	1,453	72.9%	347.1
Mobile Home	74	3.7%	15.4
Multifamily	109	5.5%	189.2
Commercial	133	6.7%	196.3
Office	32	1.6%	23.9
Industrial	67	3.4%	111.0
Civic	17	0.9%	47.0
Open Space	3	0.2%	0.8
Transportation	9	0.5%	4.1
Roads	2	0.1%	1.5
Utilities	1	0.1%	0.5
Undeveloped	92	4.6%	107.8
Total	1,992	100.0%	1,044.6

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is located both in the Little Walnut Creek Watershed and the Walnut Creek Watershed of the Colorado River Basin and is classified as an Urban Watershed and as a Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code.

According to floodplain maps, there is a floodplain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

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Following are the comments for each watershed classification:

Urban

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm.

Suburban

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
IP, Industrial Park	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
W/LO, Warehouse Limited Office	70 %
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
GO, General Office	80 %
LO, Limited Office	70 %
NO, Neighborhood Office	60 %
MH, Mobile Home	N/A
MF-6, Multi-family Residence – Highest Density	80 %
MF-5, Multi-family Residence - High Density	70 %
MF-4, Multifamily Residence - Moderate – High Density	70 %
MF-3, Multi-family Residence - Medium Density	65 %
MF-2, Multi-family Residence - Low Density	60 %
MF-1, Multi-family Residence - Large Lot	55 %
SF-6, Townhouse & Condominium Residence	55 %
SF-5, Urban Family Residence	55 %
SF-3, Family Residence	45 %
SF-2, Single Family Residence – Standard Lot	45 %
SF-1, Single Family Residence – Large Lot	40 %
P, Public	varies (refer to the <u>Land Development Code</u>)

However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located both in the Little Walnut Creek Watershed and the Walnut Creek Watershed of the Colorado River Basin and is classified as an Urban Watershed and as a Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code.

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10Urban

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Suburban

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Site Plan/Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. Therefore, the following standards will apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in

roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Braker Lane	115'	Varies	Arterial	Yes (many sections)	Yes	Yes
Rundberg lane	100'	Varies	Arterial	Yes (many sections)	No	Yes
North Lamar Blvd	115'	Varies	Arterial	Yes (many sections)	No	Yes
IH 35	300'	Varies	Freeway	Yes (many sections)	No	No

Water and Wastewater

FYI: The planning area is served by City of Austin water and wastewater utilities. The landowners, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed zoning. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Overview of the North Lamar Combined Neighborhood Plan

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Plan Process

The North Lamar Combined Neighborhood Plan was initiated by Council resolution (#20061214-014) in December 2006. The first planning workshop was held on November 15, 2007. Since that workshop, Planning and Development Review Department (PDRD) staff worked with community members to conduct approximately 28 public meetings. These meetings addressed planning issue areas such as: quality of life (including crime and code enforcement issues), parks and trees, transportation, infrastructure, and land use and zoning along major corridors in the planning area. Notes from all meetings were posted on the North Lamar Combined Neighborhood Planning Area's (NLCNPA) website, and the information gathered from these meetings became the foundation for the recommendations in the NLCNPA plan. Throughout the land use and zoning workshops, PDRD staff worked with stakeholders to formulate the zoning recommendations for specific sites in the NLCNPA. At the March 6, 2010, Final Open House, staff presented the final draft of the neighborhood plan, a draft Future Land Use Map (FLUM), and the zoning recommendations that had been formulated as part of the two and one-half year planning process in the NLCNPA.

Quality of Life

Much of the Quality of Life chapter addresses issues that affect the daily lives of those living in, working in, or visiting the NLCNPA. Crime and code enforcement issues were of the utmost concern to area stakeholders throughout the planning process and many of the plan's recommendations address these problem areas. Other topics covered by this chapter include: maintaining affordability, acknowledging the area's cultural diversity, improving community health, and encouraging a sustainable lifestyle. All of the recommendations found within this chapter are meant to improve the quality of life within the NLCNPA.

Parks and Trees

The Parks and Trees chapter includes recommendations for improving existing park facilities (Barrington Park and Brownie Playground) within the NLCNPA. The chapter also includes recommendations regarding parkland acquisition and those amenities stakeholders would like to see in future parks located within the NLCNPA.

The chapter also provides recommendations for the enhancement of the area's tree canopy, one of the first neighborhood plans to do so. Recommendations also include the preservation and maintenance of the area's current tree canopy.

Transportation

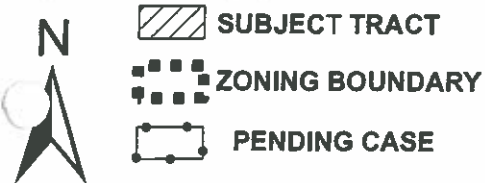
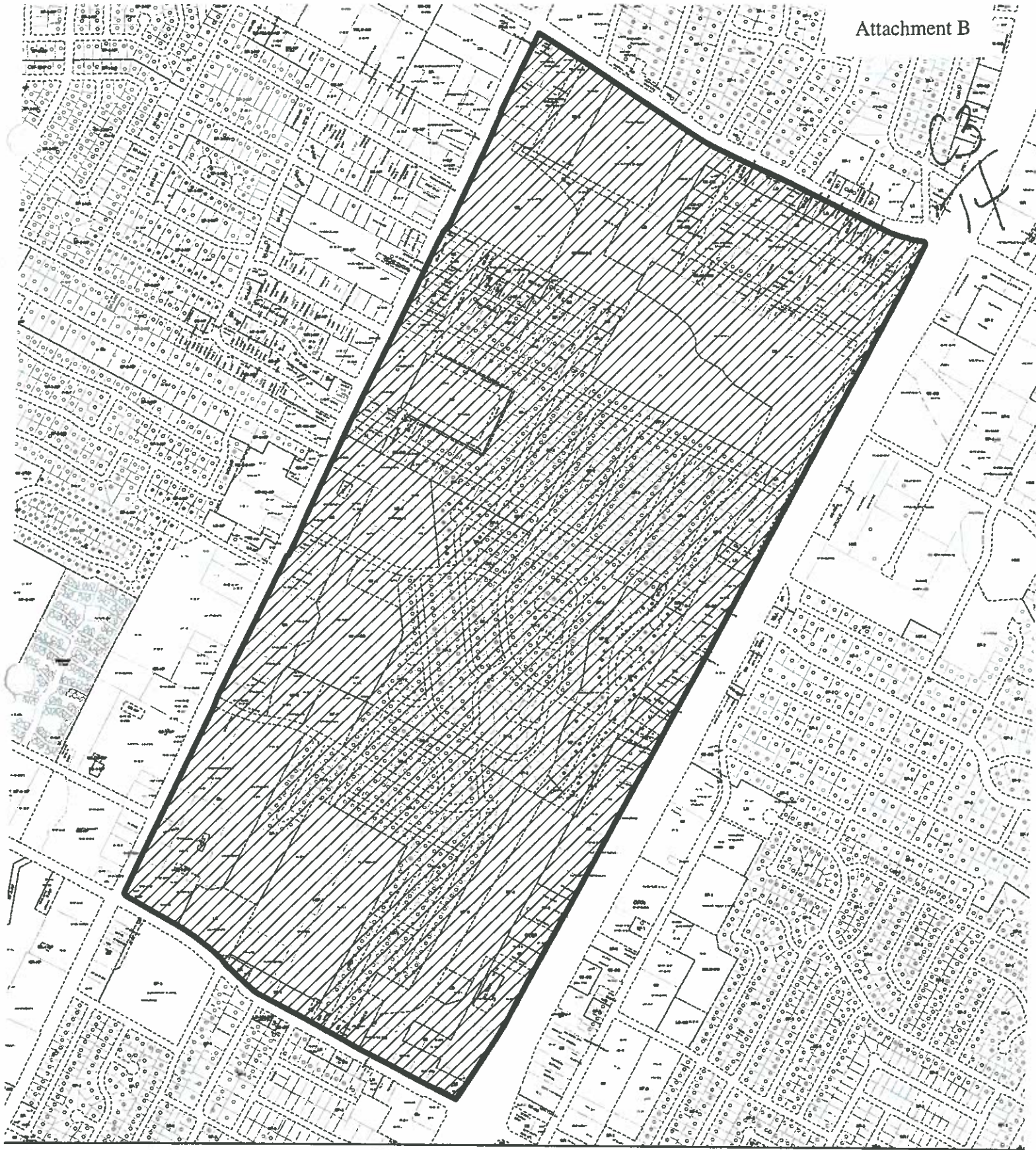
The Transportation chapter provides recommendations for both the pedestrian and vehicular transportation networks of the NLCNPA. Recommendations include the improvement and expansion of the pedestrian transportation systems (i.e., sidewalk and bike lane infrastructure); the provision of safety measures to protect both pedestrians and motorists; and, the expansion of public transit options within the planning area.

Infrastructure

Much of the Infrastructure chapter focuses upon the provision of curb and gutter infrastructure in particular portions of the NLCNPA that currently do not have the means to effectively control flooding problems. Also included are recommendations for providing safety improvements in the area, including safety call boxes and streetlighting.

Land Use

Many of the NLCNPA plan's recommendations relate to land use changes in the area. As the Future Land Use Map and zoning tract maps (included in the backup), many of the land use and zoning changes occur at the periphery of the planning area, along or near its major corridors (North Lamar Boulevard, I-35, Rundberg Lane, US Highway 183, and Braker Lane). As part of the Land Use chapter, stakeholders want to: preserve the area's residential character; provide a variety of housing options on vacant or undeveloped land; create a neighborhood mixed use corridor along Ferguson Drive; retain the commercial character of I-35; preserve the commercial and industrial character of the northern portion of the planning area; create a mixed use district near the intersection of I-35 and US Highway 183; and, to make North Lamar Boulevard a mixed use corridor.



OPERATOR: R. SIGMON

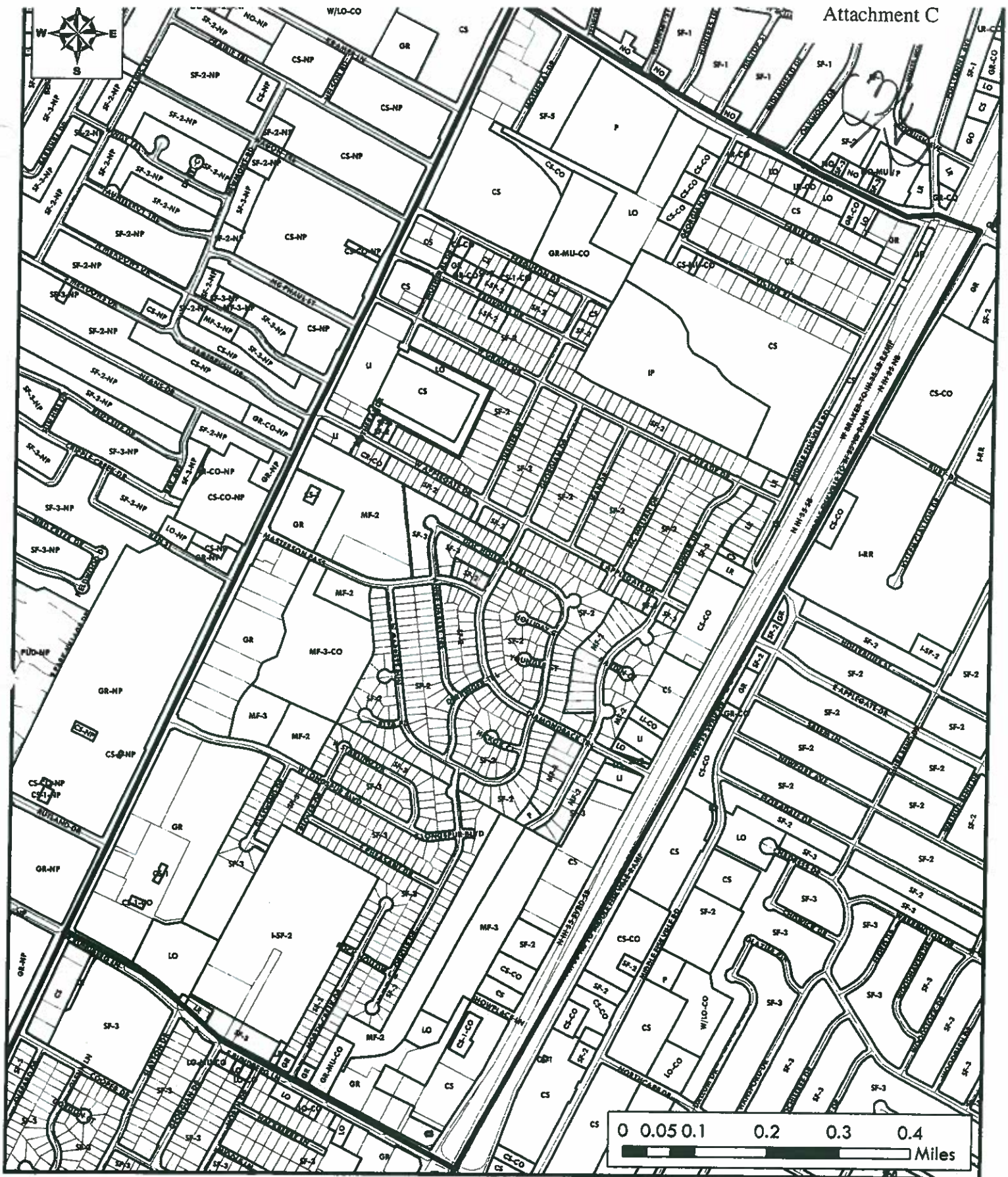
ZONING

ZONING CASE#: C14-2010-0048
 ADDRESS: NORTH LAMAR NEIGHBORHOOD
 PLANNING AREA
 SUBJECT AREA: 627.43 ACRES
 GRID: L30 L31 M30 M31 M32
 MANAGER: S. SIRWAITIS



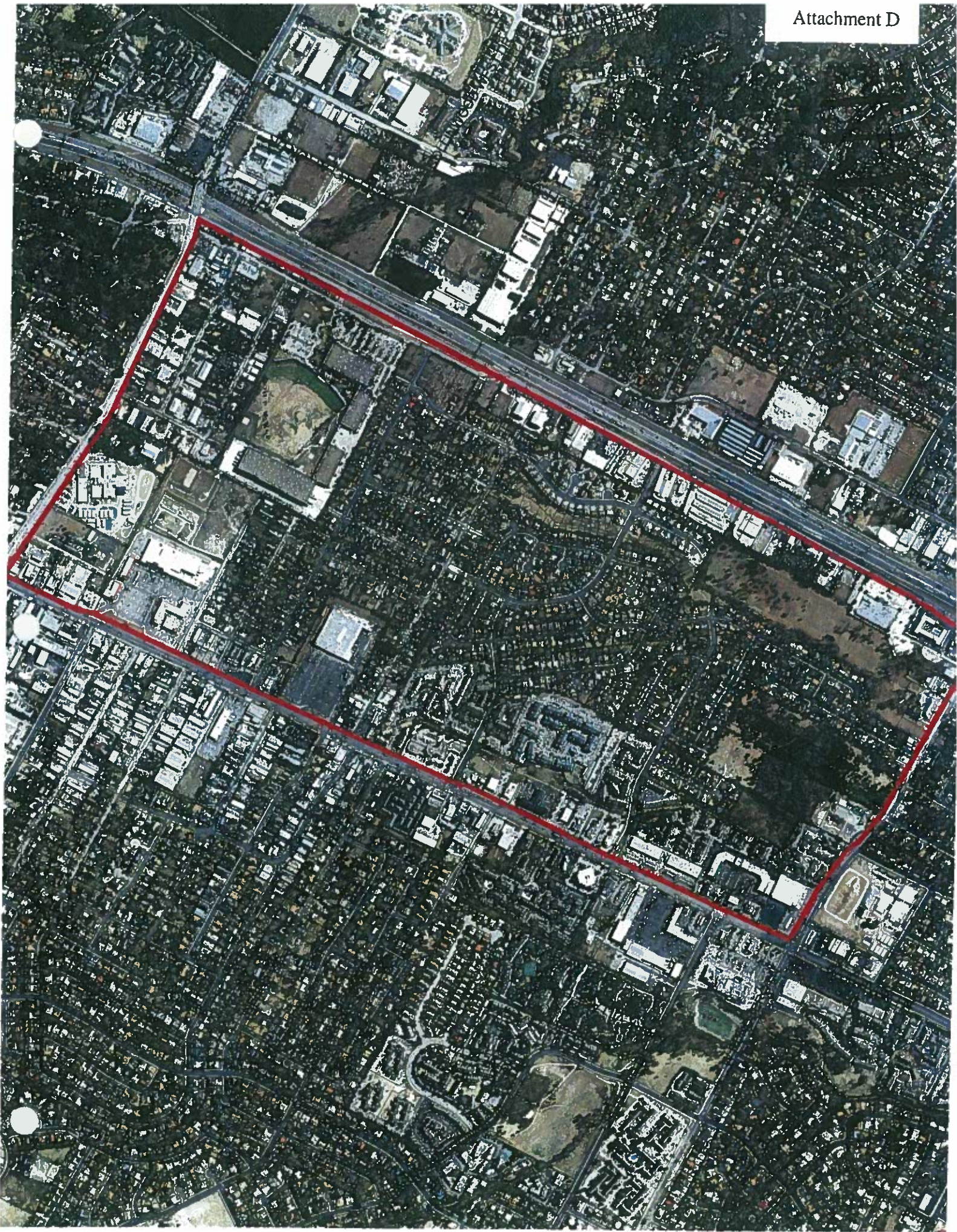
1" = 1000'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.



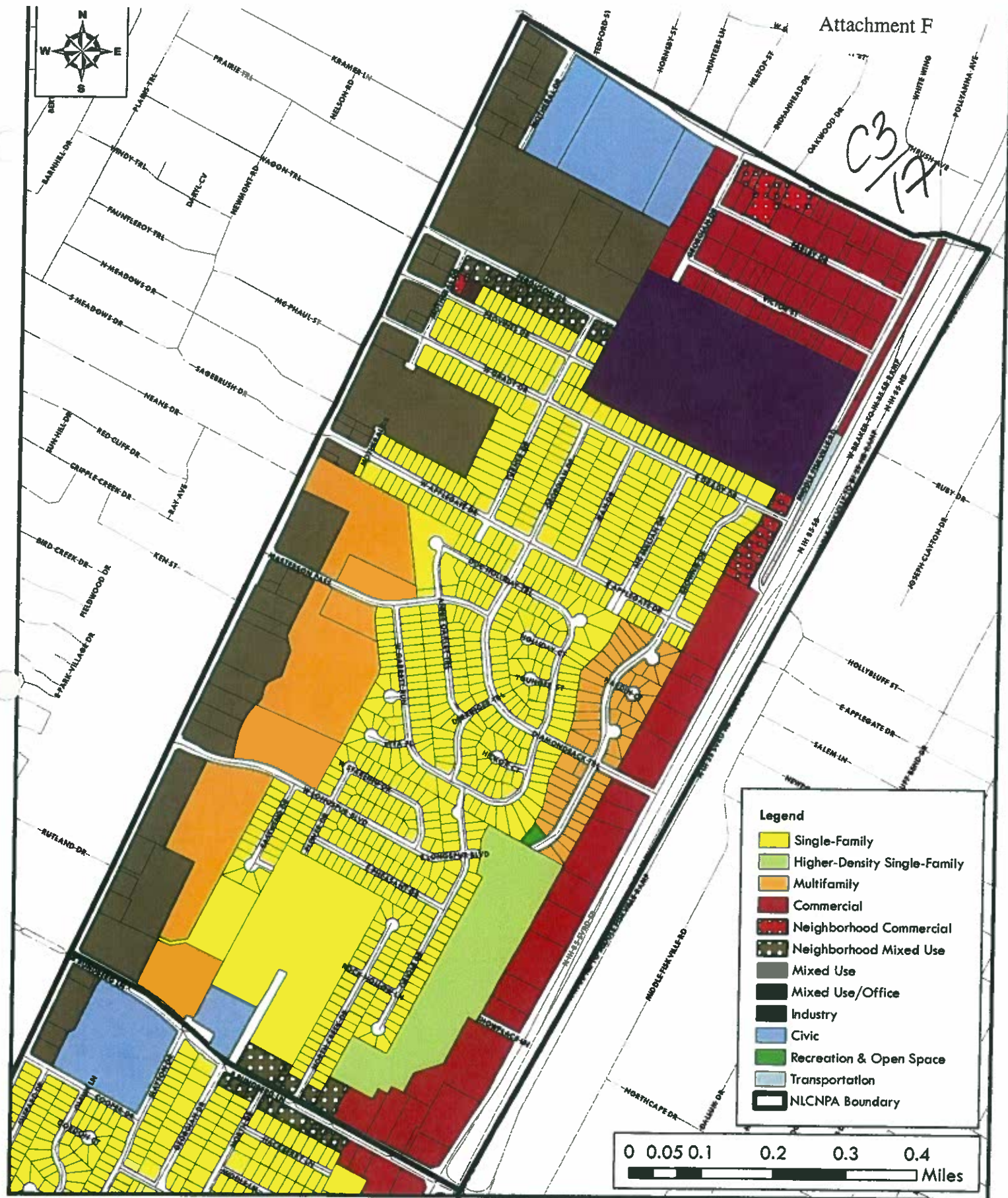
North Lamar Combined Neighborhood Planning Area North Lamar Neighborhood Planning Area Current Zoning Districts





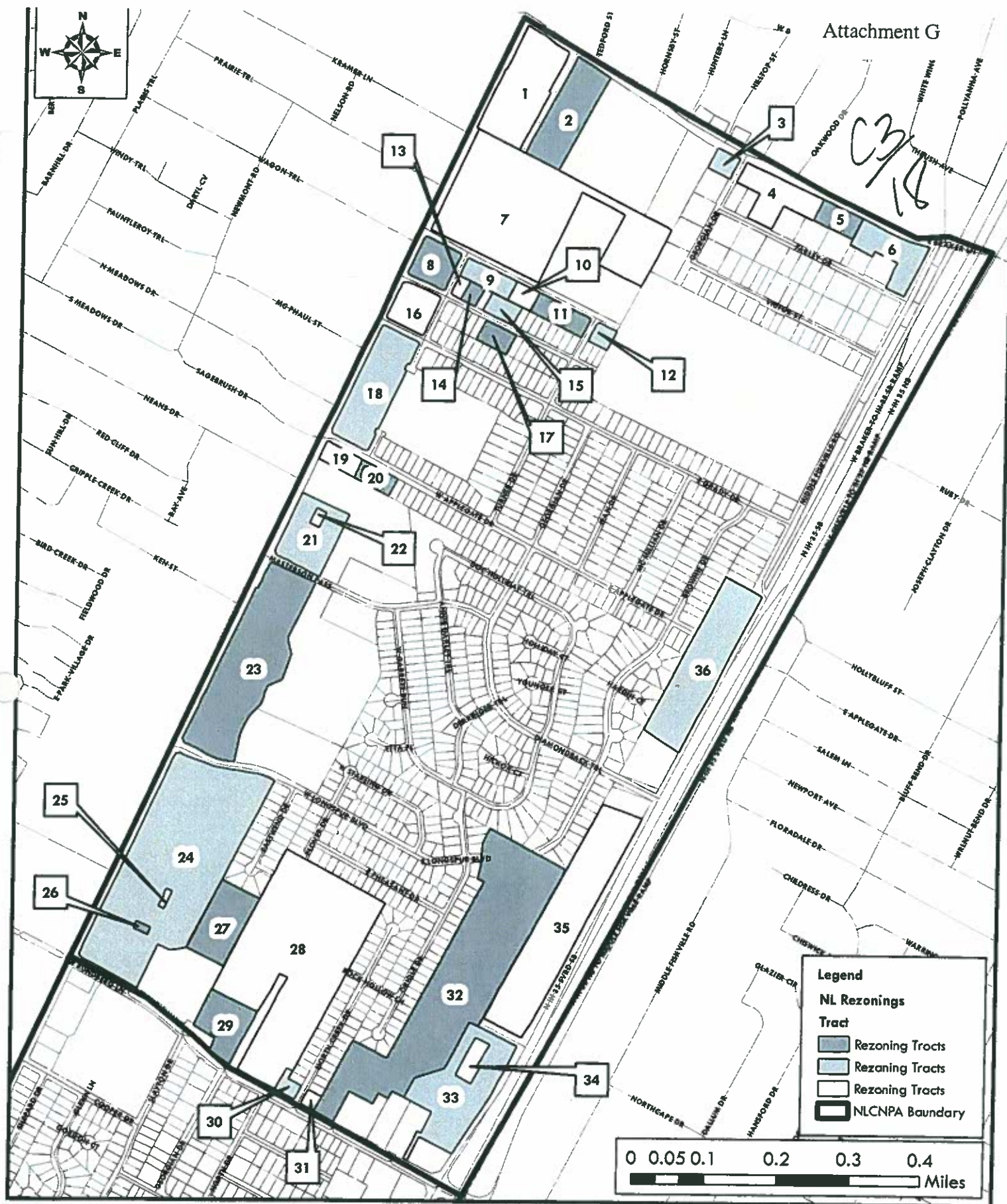


North Lamar Neighborhood Planning Area Current Land Use, 2008



North Lamar Combined Neighborhood Planning Area North Lamar Neighborhood Planning Area Future Land Use Map





North Lamar Combined Neighborhood Planning Area North Lamar Neighborhood Plan Combining District Zoning Case # C14-2010-0048

North Lamar Planning Area Rezoning Tract Chart
C14-2010-0048

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Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning
1	255469	11213 N LAMAR BLVD	CS	CS-V-CO-NP
		11209 N LAMAR BLVD		
	255472	11207 N LAMAR BLVD		
	255471	11205 N LAMAR BLVD		
	255467	11115 N LAMAR BLVD		
		11114 MOTHERAL DR		
	255466	11111 N LAMAR BLVD		
	253411	11107 N LAMAR BLVD		
		11109 N LAMAR BLVD		
	255473	701 W BRAKER LN		
	11200 MOTHERAL DR			
253410	11100 MOTHERAL DR			
2	255465	601 W BRAKER LN	SF-5	LO-NP
3	254511	11210 GEORGIAN DR	LO	CS-CO-NP
		11212 GEORGIAN DR		
		11216 GEORGIAN DR		
4	254514	101 E BRAKER LN	LR-CO	LR-CO-NP
	254515	103 E BRAKER LN	LO	LR-NP
	254516	105 E BRAKER LN		
	254524	107 E BRAKER LN		
		109 E BRAKER LN		
		110 FARLEY DR		
	254519	111 E BRAKER LN	LO	
	254520	113 E BRAKER LN		
	254521	201 E BRAKER LN		
	254527	305 E BRAKER LN	LR-CO	LR-CO-NP
5	254528	307 E BRAKER LN	LO	GR-CO-NP
	254529	309 E BRAKER LN		
	253446	403 E BRAKER LN		
		401 E BRAKER LN		
6	253451	190 X 173.3 FT ABS 29 SUR 58 APPLGATE J AKA LT 78 LUDWIG EDDIE [UNRECORDED]	GR-CO	GR-CO-NP
	253452	405 E BRAKER LN	LO	GR-CO-NP
	253447	611 E BRAKER LN	GR	
	253458	707 E BRAKER LN		
	253456	11202 MIDDLE FISKVILLE RD		
	253457	11200 MIDDLE FISKVILLE RD		
7	568797 (portion)	11101 N LAMAR BLVD	CS	CS-V-CO-NP
		10901 N LAMAR BLVD		
		606 FERGUSON DR		
8	253328	10825 N LAMAR BLVD	CS	CS-V-CO-NP
	253327	703 FERGUSON DR		
	253330	10815 N LAMAR BLVD		
	253331	10804 MOTHERAL DR		
	253329	10805 N LAMAR BLVD		
9	460613	607 FERGUSON DR	CS-CO	CS-MU-CO-NP
	460615	605 FERGUSON DR	CS	CS-MU-CO-NP
		603 FERGUSON DR		
		601 FERGUSON DR		
	460616	507 FERGUSON DR		
	460617	505 FERGUSON DR		
460618				

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North Lamar Planning Area Rezoning Tract Chart
C14-2010-0048

Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning
10	460619	503 FERGUSON DR	CS-1-CO	CS-1-CO-NP
	460620	501 FERGUSON DR		
	460621	307 FERGUSON DR		
11	460622	305 FERGUSON DR	CS	CS-MU-CO-NP
	460623	303 FERGUSON DR		
	460624	301 FERGUSON DR		
	460625	207 FERGUSON DR		
	460626	205 FERGUSON DR		
	460627	203 FERGUSON DR		
	460628	201 FERGUSON DR		
12	460645	10809 TURNER DR	CS	CS-MU-CO-NP
	460646	107 FERGUSON DR		
	460647	105 FERGUSON DR		
13	460644	606 PROVINES DR	GR	LR-CO-NP
14	460643	604 PROVINES DR	GR-CO	LO-MU-CO-NP
	460642	602 PROVINES DR		
15	460640	506 PROVINES DR	I-SF-2	SF-2-NP
	460639	504 PROVINES DR		
	460638	502 PROVINES DR		
	460637	500 PROVINES DR		
16	253333	10721 N LAMAR BLVD	CS	CS-V-CO-NP
		10715 N LAMAR BLVD		
		10709 N LAMAR BLVD		
		10705 N LAMAR BLVD		
		10701 N LAMAR BLVD		
		10711 N LAMAR BLVD		
		701 PROVINES DR		
		10706 MOTHERAL DR		
		10704 MOTHERAL DR		
	253332	10702 MOTHERAL DR		
	253334	710 W GRADY DR		
17	460657	505 PROVINES DR	I-SF-2	SF-2-NP
	460658	503 PROVINES DR		
	460659	501 PROVINES DR		
	460660	307 PROVINES DR		
18	252251	715 W GRADY DR	LI	CS-V-CO-NP
		711 W GRADY DR		
		701 W GRADY DR		
		10631 N LAMAR BLVD		
		10610 MOTHERAL DR		
	252256 (portion)	10601 N LAMAR BLVD		
	252255	10503 N LAMAR BLVD		
	252254	712 W APPELEGATE DR		
	252252	10510 MOTHERAL DR		
	252253	700 W APPELEGATE DR		
		10500 MOTHERAL DR		
19	369289	10411 N LAMAR BLVD	LI	CS-V-CO-NP
	369288	10409 N LAMAR BLVD		

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North Lamar Planning Area Rezoning Tract Chart
C14-2010-0048

Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning
20	369286	AB5 29 SUR 38 APPELGATE J ACR .17	CR-CO	LO-MU-CO-NP
	252331	LOT 1 BLK K MOCKINGBIRD HILL SEC 1		
	252332	LOT 2 BLK K MOCKINGBIRD HILL SEC 1		
	252333	601 W APPELGATE DR		
21	250477 (portion)	10205 N LAMAR BLVD 604 MASTERSON PASS	GR	GR-MU-CO-NP
22	250477 (portion)	10205 N LAMAR BLVD 604 MASTERSON PASS	CS-1	CS-1-V-CO-NP
23	250473	10111 N LAMAR BLVD	GR	GR-V-CO-NP
	250475	609 MASTERSON PASS		
		607 MASTERSON PASS		
	377752	10107 N LAMAR BLVD		
	377751	10105 N LAMAR BLVD		
		10101 N LAMAR BLVD		
	477451	10009 N LAMAR BLVD		
	477450	9909 N LAMAR BLVD		
	377749	9905 N LAMAR BLVD		
	377748	9901 N LAMAR BLVD		
	377747	9813 N LAMAR BLVD		
		9815 N LAMAR BLVD		
249292	9801 N LAMAR BLVD 9813 N LAMAR BLVD			
24	249274	9717 N LAMAR BLVD	GR	GR-V-CO-NP
	249275	701 W LONGSPUR BLVD		
	249277	9523 N LAMAR BLVD		
	249273 (portion)	9515 N LAMAR BLVD		
	249278	9511 N LAMAR BLVD		
	246688	9425 N LAMAR BLVD		
	246685	9411 N LAMAR BLVD		
25	249273 (portion)	9515 N LAMAR BLVD	CS-1	CS-1-V-CO-NP
26	249273 (portion)	9515 N LAMAR BLVD	CS-1-CO	CS-1-V-CO-NP
27	249273 (portion)	9515 N LAMAR BLVD	SF-3	SF-3-NP
28	244909	204 E RUNDBERG LN	I-SF-2; SF-3	SF-3-NP (back portion); LR-V-NP (front portion)
29	244892	100 W RUNDBERG LN	I-SF-2; SF-3	LR-V-NP
30	244893	302 E RUNDBERG LN	LR	LR-V-NP
	244908	306 E RUNDBERG LN		
		308 E RUNDBERG LN	GR	
31	244955	310 E RUNDBERG LN	GR	LR-V-NP
		312 E RUNDBERG LN		
32	246730	320 E RUNDBERG LN	GR-MU-CO; GR; LO; MF-2; MF-3	SF-6-NP (back portion); LR-V-CO-NP (front portion)
33	243372	9430 N IH 35 SVRD SB	CS; GR	CS-CO-NP
		9420 N IH 35 SVRD SB		
		9500 N IH 35 SVRD SB		
	246693 (portion)	9504 N IH 35 SVRD SB	CS; GR	
		700 SHOWPLACE LN		

North Lamar Planning Area Rezoning Tract Chart
C14-2010-0048

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Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning			
34	246693 (portlan)	9504 N IH 35 SVRD SB 700 SHOWPLACE LN	CS-1-CO	CS-1-CO-NP			
35	246692	9510 N IH 35 SVRD SB 9508 N IH 35 SVRD SB	CS	CS-CO-NP			
		246691	9600 N IH 35 SVRD SB	CS-CO	CS-CO-NP		
	246690	9602 N IH 35 SVRD SB	SF-2	CS-CO-NP			
	246709	9606 N IH 35 SVRD SB 9616 N IH 35 SVRD SB 9900 N IH 35 SVRD SB	CS				
		246707			9900 N IH 35 SVRD SB 9914 N IH 35 SVRD SB 9918 N IH 35 SVRD SB		
					246705	10010 N IH 35 SVRD SB 10100 N IH 35 SVRD SB	
	246694					10106 N IH 35 SVRD SB	
	36	249369			10214 N IH 35 SVRD SB	CS	CS-CO-NP
		249367			10300 N IH 35 SVRD SB 10306 N IH 35 SVRD SB		
					249377		
249374		10310 N IH 35 SVRD SB		CS-CO	CS-CO-NP		
249362		10350 N IH 35 SVRD SB 10448 N IH 35 SVRD SB 10450 N IH 35 SVRD SB 10500 N IH 35 SVRD SB					
		249361	10502 N IH 35 SVRD SB 10580 N IH 35 SVRD SB			LR	CS-CO-NP

(1) The Tract # refers to the numbered tracts on the North Lamar Planning Area Zoning Recommendation Tract Map.

(2) Each TCAD Prop ID number represents a separate property, as recorded by the Travis Central Appraisal District.

(3) The COA Address or Legal Description listed for each property are those addresses on file with the City pertaining to that property. The legal descriptions are those on file with the Travis Central Appraisal District pertaining to that property.

North Lamar Neighborhood Plan Combining District C14-2010-0048

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Existing and Proposed Conditional Overlays

Please note: For tracts with **existing** conditional overlays (conditions, prohibited uses, and conditional uses), City of Austin staff will maintain these conditional overlays as part of the rezonings for the North Lamar Combined Neighborhood Planning Area.

Tracts 1, 7, 8, 16, 18, 19, 21 - 25

Proposed Conditional Uses:

Automotive washing	Hotel/motel
Automotive repair	Drive-through accessory use
Automotive sales	

Tract 3

Proposed Conditions:

Access onto Braker Lane is prohibited
A 6 foot solid fence must be constructed along Braker Lane

Proposed Conditional Uses:

Agricultural sales and services	Exterminating services
Automotive repair	Hotel/motel
Building maintenance services	Off-site accessory parking
Business support services	Laundry services
Business or trade school	Plant nursery
Convenience storage	

Proposed Prohibited Uses:

Automotive rentals	Funeral services
Automotive sales	Indoor entertainment
Automotive washing -- of any type	Indoor sports and recreation
Bail bond services	Kennels
Campground	Outdoor entertainment
Construction sales and services	Outdoor sports and recreation
Drive through accessory use	Pawn shop services
Drop-off recycling collection facilities	Research services
Employee recreation	Service station

Tract 4

Existing Conditions (Prop ID 254514 and 254515):

Vehicular access for ingress/egress shall be limited to one driveway cut on the Property.

Existing Prohibited Uses (Prop ID 254514 and 254515):

Service station	Off-site accessory parking
Guidance services	Restaurant (limited)

Food sales
Business or trade schools

Consumer convenience services

C3
24

Existing Prohibited Uses (Prop ID 254527):

Consumer convenience services
Food sales
Off-site accessory parking
Pet services
Service station
Plant nursery
Custom manufacturing

Financial services
General retail sales (convenience)
Personal services
Restaurant (limited)
Guidance services
Restaurant (drive-in, fast food)

Tract 5

Proposed Conditional Uses:

Automotive washing
Automotive repair
Automotive sales
Hotel/motel

Tract 6

Existing Conditions (Prop ID 253451 only):

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development or uses, generate traffic that exceeds 2,000 trips per day.

Existing Prohibited Uses (Prop ID 253451 only):

Automotive sales
Automotive washing (of any type)
Bed & breakfast residential (Group 1)
Commercial off-street parking
Consumer convenience services
Drop-off recycling collection facility
Funeral services
Guidance services
Indoor entertainment
Outdoor entertainment
Personal improvement services
Theater

Automotive rentals
Restaurant (general)
Bed & breakfast residential (Group 2)
Congregate living
Consumer repair services
Exterminating services
General retail sales (general)
Hotel-motel
Off-site accessory parking
Pawn shop services
Residential treatment

Proposed Prohibited Uses (ALL properties):

Automotive repair

Tract 9

Existing Conditions (Prop ID 460613 only):

No structure of any kind shall be built to a height greater than 40 feet above ground level on the Property.

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Proposed Conditional Uses (ALL properties):

Automotive repair
Convenience storage
Hotel/motel

Laundry services
Plant nursery

Proposed Prohibited Uses (ALL properties):

Agricultural sales and services
Automotive rentals
Automotive sales
Automotive washing—of any type
Bail bond services
Building maintenance services
Business or trade school
Business support services
Campground
Commercial off-street parking
Construction sales and services
Drop-off recycling collection facilities
Electronic prototype assembly
Electronic testing
Employee recreation
Equipment repair services

Equipment sales
Exterminating services
Funeral services
Indoor entertainment
Indoor sports and recreation
Kennels
Monument retail sales
Off-site accessory parking
Outdoor entertainment
Outdoor sports and recreation
Pawn shop services
Research services
Service station
Vehicle storage
Custom manufacturing
Limited warehousing and distribution

Tract 10

Existing Conditions:

- 1) The maximum height for a building or structure is 40 feet from ground level.
- 2) A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development or uses, generate traffic that exceeds 2,000 trips per day.

Existing Prohibited Uses:

Adult oriented business
Cocktail lounge
Pawn shop services
Exterminating services

Liquor sales
Vehicle storage
Indoor entertainment
Guidance services

Proposed Conditional Uses:

Automotive repair
Convenience storage
Hotel/motel

Laundry services
Plant nursery

C3/26

Proposed Prohibited Uses:

Agricultural sales and services
Automotive rentals
Automotive sales
Automotive washing—of any type
Bail bond services
Building maintenance services
Business or trade school
Business support services
Campground
Commercial off-street parking
Construction sales and services
Drop-off recycling collection facilities
Electronic prototype assembly
Electronic testing
Employee recreation
Equipment repair services

Equipment sales
Exterminating services
Funeral services
Indoor entertainment
Indoor sports and recreation
Kennels
Monument retail sales
Off-site accessory parking
Outdoor entertainment
Outdoor sports and recreation
Pawn shop services
Research services
Service station
Vehicle storage
Custom manufacturing
Limited warehousing and distribution

Tract 11

Proposed Conditional Uses:

Automotive repair
Convenience storage
Hotel/motel

Laundry services
Plant nursery

Proposed Prohibited Uses:

Agricultural sales and services
Automotive rentals
Automotive sales
Automotive washing—of any type
Bail bond services
Building maintenance services
Business or trade school
Business support services
Campground
Commercial off-street parking
Construction sales and services
Drop-off recycling collection facilities
Electronic prototype assembly
Electronic testing
Employee recreation
Equipment repair services

Equipment sales
Exterminating services
Funeral services
Indoor entertainment
Indoor sports and recreation
Kennels
Monument retail sales
Off-site accessory parking
Outdoor entertainment
Outdoor sports and recreation
Pawn shop services
Research services
Service station
Vehicle storage
Custom manufacturing
Limited warehousing and distribution

Tract 12

Proposed Conditional Uses:

Automotive repair
Convenience storage
Hotel/motel

Laundry services
Plant nursery

C3/27

Proposed Prohibited Uses:

Agricultural sales and services	Equipment sales
Automotive rentals	Exterminating services
Automotive sales	Funeral services
Automotive washing—of any type	Indoor entertainment
Bail bond services	Indoor sports and recreation
Building maintenance services	Kennels
Business or trade school	Monument retail sales
Business support services	Off-site accessory parking
Campground	Outdoor entertainment
Commercial off-street parking	Outdoor sports and recreation
Construction sales and services	Pawn shop services
Drop-off recycling collection facilities	Research services
Electronic prototype assembly	Service station
Electronic testing	Vehicle storage
Employee recreation	Custom manufacturing
Equipment repair services	Limited warehousing and distribution

Tract 13

Proposed Conditions:

Vehicular access must be taken off of Motheral Drive.

Proposed Prohibited Uses:

Drive through accessory use

Tract 14

Existing Conditions:

No structure of any kind shall be built to a height greater than 40 feet above ground level on the Property.

Tract 20

Existing Conditions:

- 1) Except as provided in this ordinance, the Property shall be developed in accordance with the townhouse and condominium residence (SF-6) district site development regulations of the Code.
- 2) A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 300 trips per day above the trips generated by the existing or approved development.
- 3) Vehicular access from the Property to Applegate Drive is prohibited. All vehicular access from the Property shall be to Motheral Street by one driveway only.

4) A building or structure constructed on the Property may not exceed a height of 18 feet from ground level.

5) A six-foot high solid fence shall be provided and maintained:

- a) along the south, east and west property lines; and
- b) along the north side of the property set back 10 feet from the right-of-way of Applegate Drive.

6) A 10-foot wide vegetative buffer shall be provided and maintained along and adjacent to the north property line between the six-foot high fence and Applegate Drive. The vegetative buffer is subject to the Screening Standards under Section 2.9.1 of the Environmental Criteria Manual. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

Existing Prohibited Uses:

Art gallery
Campground
Hotel/motel
Indoor sports and recreation
Outdoor entertainment
Recreational equipment sales
Service station
Theater
Hospital service (limited)

Art workshop
Consumer convenience services
Indoor entertainment
Marina
Outdoor sports and recreation
Restaurant (general)
Special use historic
Counseling services

Existing Conditional Uses:

Community recreation (private)
Cultural services
Community recreation (public)

Tract 26

Existing Prohibited Uses:

Adult oriented business

Proposed Conditional Uses:

Automotive washing
Automotive repair
Automotive sales

Hotel/motel
Drive-through accessory use

Tract 32

Existing Conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

C3/
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Existing Prohibited Uses:

Bail bond services
Pawn shop services

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Tract 33

Proposed Conditional Uses:

Hotel/motel

Tract 34

Existing Prohibited Uses:

Adult-oriented commercial establishments, as defined in Section 4350 of Chapter 13-2A of the Austin City Code.

Proposed Conditional Uses:

Hotel/motel

Tract 35

Existing Conditions (Prop ID 246691 only):

Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

Proposed Conditional Uses (ALL properties):

Hotel/motel

Tract 36

Existing Conditions (Prop ID 249377):

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Existing Prohibited Uses (Prop ID 249377):

Adult oriented business

Existing Conditions (Prop ID 249374):

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all

existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

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Existing Prohibited Uses (Prop ID 249374):

Pawn shop services

Existing Conditions (Prop ID 249362):

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Proposed Conditional Uses (ALL Properties):

Hotel/motel

The North Lamar Combined Neighborhood Plan Rezonings

Infill Options and Design Tools Recommendations

The North Lamar Combined Neighborhood Planning Area (NLCNPA) is bounded by Braker Lane to the north, I-35 to the east, US Highway 183 to the south, and North Lamar Boulevard to the west.

The information below is an accumulation of recommendations made over a nine-month period that included numerous land use and zoning meetings specific to the NLCNPA.

Neighborhood Design Tools

The following recommendations were made regarding the application of specific Neighborhood Design Tools within the NLCNPA:

Design Tool	Applicable Area
Parking Placement	Area-wide
Garage Placement	Area-wide
Front Porch Setback	Area-wide

The neighborhood recommends these three neighborhood design tools to improve the residential streetscape by prioritizing the residence and its interaction with the street. Once approved by the City Council, new single-family, two-family, and duplex uses built in the NLCNPA will be required to comply with the neighborhood design tool standards.

Infill Options

The following recommendations were made regarding the application of specific infill options within particular portions of the NLCNPA.

Infill Option	Applicable Area
Residential Infill	Tracts 27, 28 and 32*
Urban Home	Tracts 27, 28 and 32*

*See the North Lamar Planning Area Rezoning's tract map for the location of these tracts.

The neighborhood recommends these infill options for the mentioned tracts as a means to provide residential stability in the NLCNPA. The infill option tools will provide for the development of a mixture of housing types on these currently vacant properties.

Special Use Infill Options & Design Tools

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Neighborhood Special Uses

The following special uses are being recommended as part of the North Lamar Combined Neighborhood Plan. They are optional uses granted in addition to the uses allowed in the base-zoning district.

Urban Home

The Urban Home special use permits single-family homes on lots with a minimum area of 3,500 square feet and a minimum width of 35 feet. If chosen, the Urban Home is permitted in Sf-3, SF-5, SF-6, and MF-1 through MF-6 zoning districts, and the mixed use (MU) combining district. Urban homes must comply with specific design requirements relating to front porches, garage placement, parking placement, driveway width, and the orientation of front entrances.

Residential Infill

The Residential Infill special use requires a diversity of housing types and open space and permits a limited amount of neighborhood compatible retail development. If chosen, this special use is applied to specific properties of at least two acres in the SF-3, SF-5, SF-6 and MF-1 through MF-6 zoning districts. For a proposed Residential Infill development, a development plan showing the location of land uses and the layout of streets, lots and open space must be approved by the Planning Commission.

Neighborhood Design Tools

The following design tools are being recommended as part of the North Lamar Combined Neighborhood Plan. Once adopted, the "Parking Placement and Impervious Cover Restrictions" and Garage Placement" design tools are mandatory for all new residential construction and whenever there is a change of use (e.g., from single-family use to two-family use). The "Front Porch Setback" design tool is optional.

Parking Placement and Impervious Cover Restrictions

The parking placement and impervious cover restrictions limit the number of parking spaces and the amount of impervious cover to be constructed in the front yard. Any single-family, two-family, or duplex use is subject to the following requirements:

1. No more than forty percent (40%) of the required front yard may be impervious cover (this may be waived if a circular driveway is needed for traffic safety purposes).
2. No more than 4 parking spaces may be located in a front yard, or, in the case of a corner lot, no more than 4 parking spaces may be located in the front and side-street yards combined.

Garage Placement

This option sets guidelines for developing and/or redeveloping lots in established neighborhoods where existing development emphasizes residential façades and minimizes the parking structure aesthetics dominating single-family residential use of a property. It also allows for attached parking structures without width limitations to be constructed so that parking structure dominated development does not occur. This option allows for a side entry parking structure, which will accommodate residential design along the front wall.

Browning, Jacob

From: Rodrigo Gomez [REDACTED]
Sent: Friday, April 30, 2010 6:47 PM
To: Walters, Mark; Browning, Jacob; Dutton, Greg
Subject: georgian acres and north lamar zoning

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Hello;

I support the rezoning in the hopes that this community will be developed where we can live and prosper and that our property values can go up.

One complain I have about Georgian Acres is that the neighborhood is plagued with prostitution. It is discouraging to come home and see prostitutes along the Georgian and Powell streets. Please step up the enforcement and treatment centers for prostitutes.

I believe this is because of these zones:

119, 120, 121, 122, 123

Can you please add this to their requirements, like 129:

Tract 129

Conditional Uses/Conditions:

Redevelopment of the entire property, shall require construction and maintenance of a six foot privacy fence and a vegetative

buffer 50 feet wide along the western portion of the property sufficient to insure privacy between the tract and the existing

single-family development adjacent to the tract

5/3/2010

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April 15, 2010

Residents of North Creek
Georgian Acres Neighborhood Association
c/o City of Austin
Planning and Development Review Department

Re: Re-Zoning of Approximately 22.6 Acres North of Rundberg Lane ("Property")

Everyone:

I represent Steve Harr who is the court appointed Receiver for Triton Financial. The above referenced undeveloped property just west of IH 35 is owned by Rundberg Business Park, Ltd. ("RBP"), which is one of the Triton Financial entities. All of the Triton business entities were placed into receivership in December 2009. An important function of the receiver is to recover, for the benefit of the people who invested with Triton, as much value as possible from properties and assets in the receivership.

You may recall that in 2007, RBP filed a re-zoning application to change the property's zoning (which was and is primarily multi-family) to Commercial Service with conditional overlays (CS-CO) and Warehouse/Local Office (W/LO). RBP's agent, Ron Thrower, had negotiated an agreement with the adjacent neighbors regarding the re-zoning. During the final stages of the re-zoning process, RBP put the Property under contract with a San Antonio based apartment developer. As a result of the sales contract, RBP suspended its re-zoning application which eventually expired in 2008.

When RBP was placed into receivership, the contract to the San Antonio developer was still in place; however, in February 2010, the purchaser cancelled the contract. Afterwards, the Receiver determined that a multi-family use was not the highest and best use of the Property. Upon reviewing the RBP re-zoning effort in 2007/2008, the Receiver determined that the W/LO-CS-CO zoning of the Property was the most appropriate.

As you well know, the City of Austin has conducted the North Lamar Neighborhood Plan for the last two years. One of the tools in the neighborhood planning process is to re-zone property. The Receiver has notified the City of Austin that the Receiver seeks to re-zone the Property generally in accordance with the terms of a February 26, 2008 Ron Thrower letter addressed to Larry Hardison on behalf of North Creek/Georgian Neighborhood Association. The only change that the Receiver seeks from the previous agreement is to increase the area zoned CS-CO and reduce the area zoned W/LO. The attached map shows the zoning configuration that the Receiver seeks.

With the assistance of Mark Walters of the City's Planning and Development Review Department, an email notice was sent to nearby residents regarding an April 6, 2010 meeting held at the Farm

Residents of North Creek
Georgian Acres
Neighborhood Association
April 15, 2010
Page 2

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Bureau of Texas office on Rundberg Lane. The purpose of the meeting was to present the re-zoning the Receiver seeks and to ask the neighbors to support this re-zoning. Approximately seven residents and land owners attended the April 6, 2010 meeting along with City staff. During the meeting, we used the February 26, 2008 Ron Thrower letter as the starting point for discussions. We discussed prohibiting additional uses on the Property, the increased area of the CS-CO zoning and the mitigation of potential adverse impacts from the development of the Property.

At the meeting, I presented a map of the Property that showed the split of the Property between W/LO and CS-CO. In short, the map showed the W/LO-area had a depth of 125 feet from the western property line of the Property with the W/LO-zoned area containing approximately 7.70 acres and the CS-CO area containing approximately 14.0 acres. I explained that W/LO zoning limits building heights to one story. W/LO also has a sharp limitation on the amount of buildings that can be constructed. Because of the low density and short building profile, W/LO operates as buffer to the CS-CO zoning district. The attendees asked that the W/LO area be increased in width (and increasing the area of W/LO) and that certain uses be prohibited. The attached map shows the adjustment to the W/LO area in response to the attendees request.

The attendees also requested that I distribute to the immediately adjacent residents a description of the discussions on April 6, 2010 as well the re-zoning proposed by the Receiver. Attached is the Receiver's re-zoning proposal based on the discussions of April 6, 2010. The text of the re-zoning proposal is identical to the terms in Ron Thrower's February 26, 2008 letter except I have added the changed terms which are in boldface.

On behalf of the receiver, I request your support of the re-zoning of the Property based on the attached map and Zoning Proposal. The receiver also requests your support for commercial land use on the Future Land Use Map. Due to the receiver's obligation to proceed as quickly as possible, the receiver will ask to have the re-zoning of the Property heard at the first Planning Commission hearing on the North Lamar Neighborhood Plan.

If you have questions or comments regarding the proposed re-zoning, please contact me no later than April 27, 2010. I will be happy to discuss the re-zoning with you.

That should cover everything we talked about. Should you have any questions, comments or concerns please let me know as quickly as possible so that we can address the issues prior to the public hearing.

Very truly yours,



Robert J. Kleeman

RJK/dlr
Enclosures

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ATTACHMENT

RE-ZONING PROPOSAL

"C14-2007-0232 [**previous zoning case for the Property**]" is the interior of the site which is accessible from Showplace Lane and has E. Longspur Blvd. and Brownie Drive stubbing to the site on the north end. The current zoning is a mixed bag of "GR", Community Commercial, "LO", Limited Office, "MF-3", Multifamily Residence - Medium Density, "MF-2", Musty-Family Residence - Low Density, and "SF-3", Family Residence. We had requested the zoning be for "CS", Commercial Services for the entire property. The City Staff recommendation is for "SF-3", W/LO-CO", Warehouse / Limited Office - Conditional Overlay, and "CS-CO". We are in agreement with staff's zoning districts but not in the areas as they have depicted this on their map. Pursuant to our meeting last week with neighborhood representatives, we agreed that the "SF-3" can remain as is on the north end of the site. This area totals 0.923 acres. Our potential development plan scenario contemplated a road running north-south down the center of the property and connected to only Showplace Lanes. The intent was not to connect this internal street to either E. Longspur Blvd. or Brownie Drive. Further, it is agreed that E. Longspur Blvd. and Brownie should not be connected as an independent street.

This leaves the commercial portions of the development with the "W/LO" portion at 12.931 acres [**now 10.02 acres**] and the "CS" portion at 8.768 acres [**now 11.70 acres**]. These acreages are derived by dividing the remaining larger commercial tract down the middle coinciding with the "proposed" right-of-way of the concept plan. This is more "W/LO" and less "CS" zoned land than the City Staff recommendation.

We plan to exclude the following uses from the "CS" portion of the property:

1. Bail Bond Services;
2. Campground;
3. Kennels;
4. Pawn Shop Services;
5. Pet Services;
6. Vehicle Storage
7. **Outdoor entertainment [new];**
8. **Hotel/motel [new]; and**
9. **Adult oriented businesses [new].**

We do not plan to exclude any uses from the "W/LO" portion as this zoning district is limiting enough to provide for the transitional development through the use regulations and development regulations of that zoning district. The big one of Pawn Shop services is not a permitted use so that is not an issue for this district.

As such, the zoning case #C14-2007-0232 will have the following as an offering for consideration for approval:

1. The currently zoned "SF-3" portion at the north end of the site will be removed from the rezoning request and remain as is.

C3
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2. The western 12.931 acres [now 10.02 acres] is to be rezoned to "W/LO-CO" Warehouse / Limited Office - Conditional Overlay, zoning with the conditional overlay to include provisions for vehicle trip limitations.
3. The eastern 8.768 acres [now 11.70 acres] is to be rezoned to "CS-CO", Commercial Services - Conditional Overlay, zoning with the conditional overlay to include the list of prohibited uses listed above and provisions for vehicle trip limitations. The combined properties of the "W/LO" and "CS" properties will have a trip limitation of 2,000 vehicle trips per day.
4. That E. Longspur Blvd. and Brownie Drive will not be extended into the property.
5. A 50' building setback along the western property line abutting residential uses and no overhead doors will be oriented to the west. The intent here is to provide a reasonable buffer to the buildings and not have overhead doors directly facing the residential area.

W/O
44.95 ACRES

ST-3
40.86 ACRES

1. H 35

RUNDBERG LANE

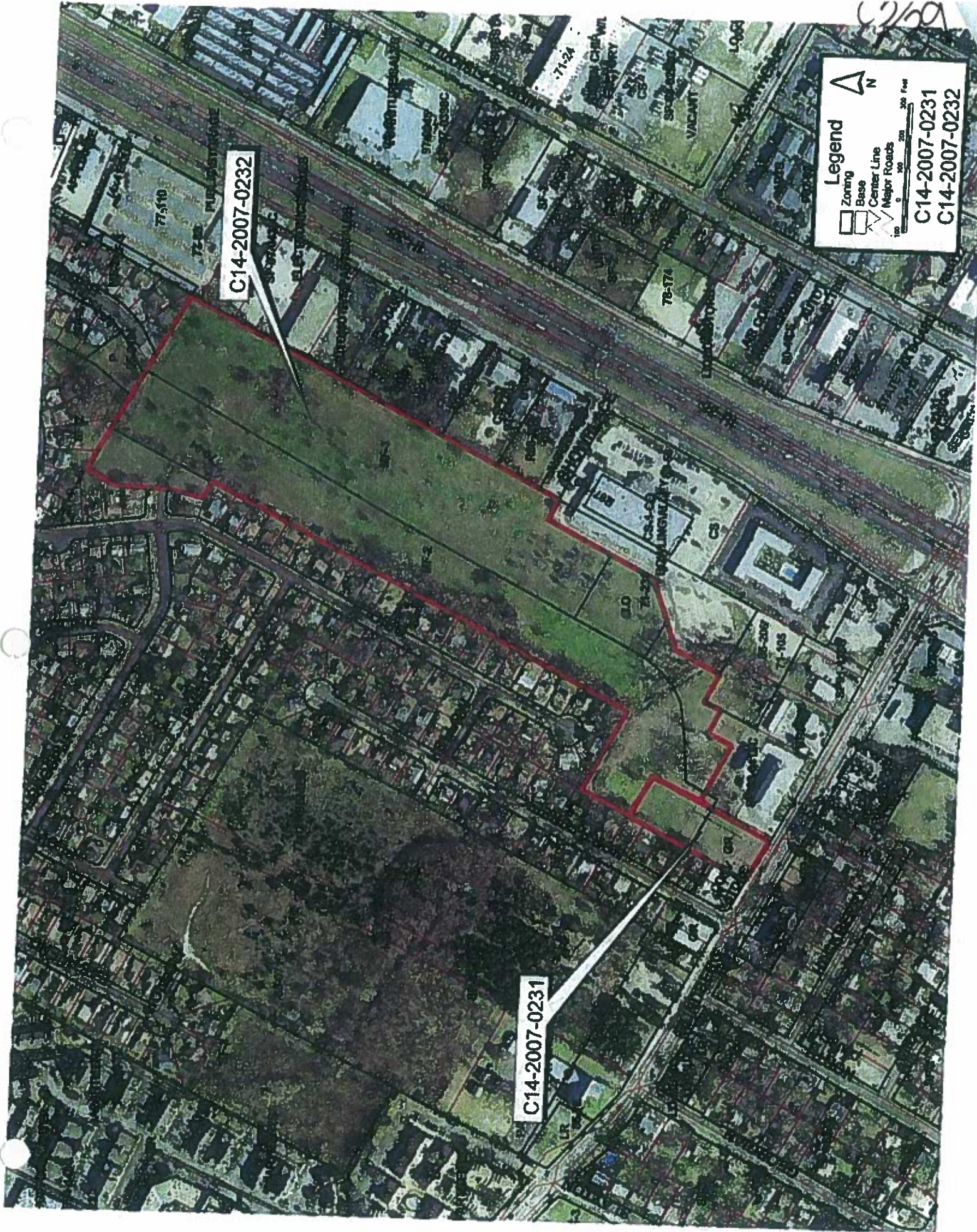
71.22 60 ACRES

1H 35 & RUNDBERG LANE, AUSTIN, TEXAS

Thruway Design

LAND PLANNING

2/20



Legend

- Zoning
- Base
- Center Line
- Major Roads

0 100 200 300 Feet

C14-2007-0231
C14-2007-0232

